

**Office of Court Administration—Collection Improvement Program  
Amended Rules Effective January 1, 2017**

**Sample Language for Defendant Notification for Past-Due Payments**

The following samples regarding the required notifications for past-due payments are made to assist local programs with implementing the amended rules governing the implementation and operation of programs operated by counties and municipalities to improve the collection of court costs, fees, and fines (Title 1, Chapter 175, Texas Administrative Code).

1) The new rules require that local program staff provide the defendant with instructions about what to do if the defendant is unable to make payments. [See 175.3(a)(8); 175.3(a)(9); and 175.3(a)(10)]

**Local program staff should consult with the judge to determine what information or instructions to provide to defendants about what to do if defendants are unable to pay. Information or instructions can be as simple as telling defendants to call local program staff to discuss what if anything can be done, to request additional time to pay, to work out a payment plan that does not impose an undue hardship on the defendant and his or her dependents, or to request a hearing for the judge to consider the defendant's ability to pay and any alternative means available to satisfy the court debt.**

2) The new rules require that local program staff provide information about how the defendant may request a hearing for the judge to consider the defendant's ability to pay and any non-monetary compliance options available for the defendant to satisfy the judgment. [See 175.3(a)(8); 175.3(a)(9); and 175.3(a)(10)]

**Local program staff should consult with the judge to determine what information to provide to defendants regarding how a defendant may request a hearing for the judge to consider the defendant's ability to pay and any compliance options available for the defendant to satisfy the court debt. Non-monetary options available at the court's discretion are listed in Articles 43.09 and 45.049, CCP, and depending on the jurisdiction, may include performing community service, receiving tutoring (for certain juvenile defendants), participating in the county's work or jail industries program, and/or participating in an electronic monitoring program. Additionally, a judge may waive payment of the fine and costs pursuant to Articles 43.091 and 45.0491, CCP.**

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**Sample information to provide to defendants:**

*Depending on your financial circumstances, you may be able to request a hearing for the judge to consider your ability to pay and any non-monetary compliance options available to you to satisfy your court debt. The judge may grant or deny your request for a hearing, and non-monetary compliance options are available at the court's discretion. If you are indigent or unable to pay, please call local program staff for further information.*

3) The new rules require local program staff to include in the written notice provided to the defendant in the final contact attempt reasonable steps the defendant can take to avoid the defendant's case being reported to the court as non-compliant. [See 175.3(a)(10)]

**Local program staff should consult with the judge to determine what steps, if any, local program staff may take to allow a defendant to avoid having his or her case reported to the court as non-compliant. Reasonable steps may include allowing defendants to make an immediate payment or a payment by a certain date, telling defendants to call local program staff to make arrangements to pay or to discuss what, if anything, can be done to avoid having the case reported to the court as non-compliant.**

**Sample information to provide to defendants:**

*You may avoid having your case reported as noncompliant by contacting the court immediately to make a payment or other payment arrangements.*

4) According to the new rules, local program staff's final written contact attempt must include notification of the defendant's right to avoid jail time for nonpayment if the defendant is unable to pay the amount owed without undue hardship to the defendant and defendant's dependents. [See 175.3(a)(10)]

**Local program staff should consult with the judge as to what language he or she recommends including in the final written notice with respect to the defendant's right to avoid jail time for nonpayment if the defendant is unable to pay the amount owed without undue hardship to the defendant and defendant's dependents, in light of Articles 43.03 and 45.046, CCP.**

**Sample information to provide to defendants:**

*You may be able to avoid jail time if you are unable to pay the amount owed without undue hardship to you and your dependents.*